

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-038771

05/04/2010

HONORABLE BETHANY G. HICKS

CLERK OF THE COURT
M. Sahli
Deputy

INHOUSE ASSIST L L C, et al.

MARIA P RIVERA

v.

C 2 P GROUP L L C, et al.

C 2 P GROUP L L C
511 E JOHN CARPENTER FWY STE 5
IRVING TX 75062

JOSEPH COCKRELL
1131 W 2ND ST
TEMPE AZ 85281
INLINE REFERRAL NETWORK L L C
511 E JOHN CARPENTER FWY STE 5
IRVING TX 75062
JUSTIN N NIEHUS
6711 W DESERT LN
LAVEEN AZ 85339
ROGER W RIVIERE
DAWNA TURNER
14177 W ST MORTIZ
SURPRISE AZ 85379

MINUTE ENTRY

This case involves damage claims arising from intentional and tortuous conduct and interference with an Arizona company and its Arizona owners. Defendants C2P Group, LLC (C2P), Inline Referral Network, LLC (Inline), and Terry Molloy (Defendants) are all Texas

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-038771

05/04/2010

residents. Plaintiffs Inhouse Assist, LLC (Inhouse), Danny Gutknecht, Jay Long, and David Payne (Plaintiffs) are all Arizona residents.

The allegations in the Complaint are that Defendants made phone calls to virtually all fifty states trying to place medical practitioners at hospitals within those states. That, Defendants allegedly intentionally and maliciously contacted and made false and defamatory statements regarding the Plaintiffs to Inhouse; sought to induce, and did induce, Inhouse's current and former employees to take actions adverse to the business interests of Inhouse; communicated injurious falsehoods to Inhouse's clients; and communicated injurious falsehoods about Plaintiffs to the *Arizona Republic*.

Defendants move to dismiss the current action for lack of personal jurisdiction.

The issue is whether the conduct of Defendants C2P, Inline, or Terry Molloy (Defendants), qualify as sufficient contacts with Arizona to subject the Defendants to personal jurisdiction in this state.

Arizona courts may exercise personal jurisdiction over parties, whether found within or outside the state, to the maximum extent permitted by the Constitution of this state and the Constitution of the United States. It is essential in each case that there be some act by which the Defendant purposely availed itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protection of its law. *Bils v. Nixon*, 179 Ariz. 523, 525 (App. 1994). The connection between the defendant and the forum state necessary for a finding of minimum contacts must come about by an action of the defendant purposefully directed toward the forum state. *Id.* at 526 (quoting *Asahi Metal Industry Co. v. Superior Court*).

As the crux of their argument, Defendants cite *Holland v. Hurley*, 221 Ariz. 552 (App. 2009). In that case, an Arizona resident purchased a Cadillac from a Michigan resident from eBay. There were special arrangements made to ship the vehicle to Tucson and upon its arrival, the purchaser found the vehicle's condition did not match the description on eBay. *Id.* at 555. The purchaser then sued and the seller moved for dismissal for lack of personal jurisdiction. *Id.* The court there held that because the defendant did not own or control the website used to sell the vehicle, his only contact with the forum state was through the purchaser's actions and were not sufficient to subject the defendant to the jurisdiction of Arizona. *Id.* at 559-61.

The case here differs because Defendants were in control of the phone calls allegedly made. According to the facts presented by Plaintiffs, Defendants made the phone calls to the employees of Inhouse. Plaintiffs did not seek out the phone calls from the Defendants but are rather the direct target of the phone calls. Therefore, when viewing the pleadings and affidavits filed in opposition to the Motion to Dismiss and accepting all material facts as alleged by the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2009-038771

05/04/2010

non-movant as true, Defendants actions are sufficient to subject them to personal jurisdiction in Arizona.

IT IS ORDERED Defendants' Motion to Dismiss is denied.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>